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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,657	12/21/2000	Hidenori Nishikawa	JP9 1999 0204 US1	6991

7590 10/04/2004

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EXAMINER

MAHMOUDI, HASSAN

ART UNIT PAPER NUMBER

2175

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/742,657

Applicant(s)

NISHIKAWA, HIDENORI

Examiner

Tony Mahmoudi

Art Unit

2175

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 6-11.

Claim(s) objected to: 5.

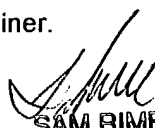
Claim(s) rejected: 1,3,4 and 12.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. ☒ Other: See Continuation Sheet


SAM RIMELL
PRIMARY EXAMINER

Continuation of 2. NOTE:

The newly added claims (independent claims 13 and 16, and dependent claims 14-15) raise new issues that would require further consideration and/or search and they present additional claims without canceling a corresponding number of the "finally rejected" claims.

Continuation of 5. does NOT place the application in condition for allowance because:

The newly added claims (independent claims 13 and 16, and dependent claims 14 and 15) raise new issues that would require further consideration and/or search, and the claim limitations of the "finally rejected" claims are still met by the Mital et al (U.S. Patent No. 6,189,012) and Campbell et al (U.S. Patent No. 6,292,801) references.

The applicant's arguments presented in the After Final response are not deemed persuasive:

In response to the applicant's argument that "there is no motivation or suggestion to combine Mital et al. and Campbell et al.", the argument has been fully considered but is not deemed persuasive, because the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both cited references teach inventions that are in the same field of endeavor and the secondary reference, Campbell et al, teaches the motivation of including the hierarchical link table having effective period data that defines effective periods for the defined hierarchical structure (see Campbell, column 3, lines 33-36.)

Continuation of 10. Other:

Applicant's newly submitted Information Disclosure Statement, filed on 01-July-2004, have been received and entered. Since the new IDS was submitted after the mailing of the "Final Rejection", the disclosed foreign applications and non-patent literature will be considered with the next Office Action.